



EMPLOYMENT TRIBUNALS

Claimant: Mr C Hamilton

Respondent: DMT Time Logistics Limited

Heard at: Manchester (remotely, by CVP)

On: 29 June 2021

Before: Employment Judge Whittaker

REPRESENTATION:

Claimant: Not in attendance

Respondent: Mr Zahman, Friend
Mr Mohammed, a Company Director

JUDGMENT

The judgment of the Tribunal is that:

1. The claim of the claimant for unpaid wages is dismissed.
2. The name of the respondent is changed to read DMT Time Logistics Limited.

REASONS

1. Following receipt of his claim form, the Tribunal had written to the claimant on 26 February 2021 setting out a detailed and numbered list of information which it needed in order to understand his claim for loss of earnings. The only information which had been provided by the claimant was that he was owed £588 allegedly. However, the claimant never replied to that letter, even though the Tribunal said he must reply by no later than 5 March 2021. That is over three months ago.

2. The Tribunal wrote again to the claimant on 27 April 2021 to advise him of today's hearing, and again it told the claimant in a letter that he should send documentation and information and a witness statement to the Tribunal at least five working days before the hearing which took place today. The claimant did not send any information or any documentation. Indeed there was no trace of any communication between the Tribunal and the claimant.

3. At 2.20pm today, after the hearing had started at 2.15pm, the Tribunal clerk checked that the Tribunal had not received any emails or telephone communications from the claimant to explain why he had not joined the hearing. No such communications had been received by the Tribunal.

4. Mr Mohammed explained that at all times the claimant had been employed by DMT as a Limited Company and on that basis the name of the respondent was changed to read DMT Time Logistics Limited.

5. There was therefore a complete absence of any information from the claimant as to how his alleged claim of £588 was calculated. Furthermore, the claimant had not supplied any information at all to indicate how he was owed that money or indeed how he was owed any money by the respondent company. On the evidence available to the Tribunal there had been a complete failure on the part of the claimant to pursue this claim properly or reasonably, and a complete failure to respond in any way to the correspondence which had been sent to him by the Tribunal offering him the opportunity to provide explanations, documentation and calculations in support of his claim.

6. In the absence of any such information the decision of the Tribunal at 2.24pm was to dismiss the claims of the claimant. The Tribunal had no evidence at all to enable it to consider the claim of the claimant and he had repeatedly failed to co-operate to ensure the claim could be properly heard today

Employment Judge Whittaker
Date: 21st July 2021

JUDGMENT AND REASONS SENT TO THE PARTIES ON
22 July 2021

FOR THE TRIBUNAL OFFICE

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